



Everyone's Business Safeguarding for Trustees

**A guide about the responsibilities of charity trustees
and how to uphold them**

“Voluntary, charity, social enterprise (VCSE) and private sector organisations and agencies play an important role in safeguarding children through the services they deliver. Some of these will work with particular communities, with different races and faith communities and delivering in health, adult social care, housing, prisons and probation services. They may as part of their work provide a wide range of activities for children and have an important role in safeguarding children and supporting families and communities.”

'Working Together to Safeguard Children' 2018

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Introduction

What is the purpose of this guide?

Are you a trustee, director, board member, governor or committee member of a charity, trust or association that works with children either exclusively or as part of a wider role? If so, then this guide is for you.

It sets out your responsibilities for safeguarding and protecting children, and helps you link your strategic responsibilities with operational delivery.

We have tried to avoid any assumptions about your current level of knowledge about safeguarding and have provided a framework that will take around an hour to work through.

We have used the latest statutory guidance to present the key safeguarding requirements of organisations under three appropriate headings:

- Leadership and accountability
- The organisation and its beneficiaries
- People and risk

At the end of each section we have included a quick checklist based on the information that has just been presented.

Finally, we include a section entitled *Finding help and making it work for your organisation*. Here we suggest suitable tools and further sources of support to help trustees carry out their safeguarding responsibilities towards children and young people.

The guide is part of a wider range of support available via the Safer Social Sector Partnership (via the Safeguarding Training Fund) and is structured so that it is integrated with the Safeguarding and Child Protection Standards for the Voluntary Childcare Sector.

Use of terminology

In this guide the terms “safeguarding” and “child protection” are used in a way that is consistent with official government guidance set out in *Working together to safeguard children: a guide to inter-agency working to safeguard and promote the welfare of children*. *Working Together 2018* defines “safeguarding and promoting the welfare of children” as:

- protecting children from maltreatment
- preventing impairment of children’s health or development
- ensuring that children are growing up in circumstances consistent with the provision of safe and effective care; and
- taking action to enable all children to have the best life chances.

Working Together 2018 also defines “child protection” as: *Part of safeguarding and promoting welfare. This refers to the activity that is undertaken to protect specific children who are suffering, or are likely to suffer, significant harm.*

Why do trustees of voluntary and community groups need to be concerned about safeguarding children?

In its publication *Strategy for dealing with safeguarding vulnerable groups including children’s issues in charities*, the Charity Commission is clear that *Trustees have primary responsibility for safeguarding in their charity (p3)*

The publication goes on to say that in fulfilling their duty of care to their charity, trustees need to take steps to safeguard and take responsibility for the children with whom the charity works. This means:

- acting in their best interests
- taking all reasonable steps to prevent any harm to them
- assessing and managing risk
- putting safeguarding policies and procedures in place
- undertaking ongoing monitoring and reviewing to ensure that safeguards are being implemented and are effective
- responding appropriately to allegations of abuse

All these things are important primarily because children need to be protected, but also because trustees have a duty to protect the reputation and assets of the charity. A failure by trustees to protect children may be considered by the Commission as misconduct or mismanagement in the administration of the charity.

Working Together 2018 also stipulates that one of the key responsibilities of organisations working with children is

.....
“A senior board level lead to take leadership responsibility for the organisation’s safeguarding arrangements”
.....

So it is not enough for trustees to say that they have delegated their safeguarding role to the managers, staff and volunteers they have recruited. Whilst these officers undoubtedly have a vital role to play in keeping children and young people safe, the trustee board itself has to take active responsibility for this too – otherwise the organisation is falling short of the standards of safety required.

→ www.gov.uk/guidance/safeguarding-duties-for-charity-trustees

The legal framework

Whether their charity is incorporated or unincorporated, trustees/directors are bound by the **Trustee Act 2000 and/or principles of general charity law** in the requirement that they exercise a duty of care. However, the exercising of that duty in a child protection and safeguarding context involves a consideration of the Working Together 2018 guidance referred to above.

Working Together 2018 has the status of statutory guidance issued under Section 7 of the Local Authority Social Services Act 1970, Section 11(4) of the Children Act 2004 and Section 16 of the Children Act 2004. In the sections of *Working Together* that cover the investigation, assessment and management of individual cases, the guidance is also underpinned by the Children Act 1989.

Working Together 2018 identifies key safeguarding arrangements that all organisations working with children should have in place. They are:

- clear line of accountability for the commissioning and/or provision of services designed to safeguard and promote the welfare of children;
- A senior board level lead with the required knowledge, skills and expertise or sufficiently qualified and experienced to take leadership responsibility for the organisation's/agency's safeguarding arrangements;
- A culture of listening to children and taking account of their wishes and feelings, both in individual decisions and the development of services;

- Clear whistleblowing procedures, which reflect the principles in Sir Robert Francis, Freedom to Speak Up Review and are suitably referenced in staff training and codes of conduct, and a culture that enables issues about safeguarding and promoting the welfare of children to be addressed;
- Clear escalation policies for staff to follow when their child safeguarding concerns are not being addressed within their organisation or by other agencies;
- Arrangements which set out clearly the processes for sharing information, with other practitioners and with safeguarding partners;
- A designated practitioner (or, for health commissioning and health provider organisations/ agencies, designated and named practitioners) for child safeguarding. Their role is to support other practitioners in their organisations and agencies to recognise the needs of children, including protection from possible abuse or neglect. Designated practitioner roles should always be explicitly defined in job descriptions. Practitioners should be given sufficient time, funding, supervision and support to fulfil their child welfare and safeguarding responsibilities effectively;
- Safe recruitment practices and ongoing safe working practices for individuals whom the organisation or agency permit to work regularly with children, including policies on when to obtain a criminal record check;
- Appropriate supervision and support for staff, including undertaking safeguarding training;
- Creating a culture of safety, equality and protection within the services they provide.

In addition:

- employers are responsible for ensuring that their staff are competent to carry out their responsibilities for safeguarding and promoting the welfare of children and creating an environment where staff feel able to raise concerns and feel supported in their safeguarding role
- staff should be given a mandatory induction, which includes familiarisation with child protection responsibilities and the procedures to be followed if anyone has any concerns about a child's safety or welfare
- all practitioners should have regular reviews of their own practice to ensure they have knowledge, skills and expertise that improve over time

These are the key arrangements that we have grouped into the following three sections of this guide:

1. **Leadership & Accountability**
2. **The organisation and its beneficiaries**
3. **People and Risk**



1. Leadership and accountability

This section explores the importance of being explicit about keeping children and young people safe, as leaders and as trustees, and covers the *Working Together 2018* requirements for:

1. A clear line of accountability for the provision of services designed to safeguard and promote the welfare of children;
2. A senior board level lead with the required knowledge, skills and expertise to take leadership responsibility for the organisation's safeguarding arrangements

A clear line of accountability for the provision of services designed to safeguard and promote the welfare of children

Trustees need to be confident that all those connected to the organisation as service users, funders, supporters, employees, volunteers and partners are clear about its structure of management and accountability. This is especially important in situations where there may be a child protection or safeguarding concern. Everyone needs to know whom they should turn to and who has ultimate responsibility for the well-being of children and young people.

This clear line of accountability cannot be established or maintained unless there are effective mechanisms for communication and providing information within your organisation.

Tips on communication

- Be explicit about your organisation's commitment to keeping children and young people safe and find ways of knowing how well you are doing to fulfil this commitment. Articulate your commitment regularly and consistently in all your key documents.
- It is important that you communicate your safeguarding policies and procedures to all relevant stakeholders, including the children and young people you support – they have a legal right to be listened to and heard.
- It is also vital that children, young people and their families know where to go for help if they wish to report actual or suspected abuse. Provide some form of signposting service, such as simple flow charts, that explain what should happen and where to go. Include the name and contact details of a designated staff member. Consider displaying child and family-friendly posters and leaflets on 'What to do if you are worried' with details of Childline. Other helpful paperwork can include newsletters, website information or welcome packs.

- Staff and volunteers should also know when and where they need to report concerns and at what level.
- They should also have direction on the recording of incidents and concerns, including the recording of discussions to establish the best course of action and the reasons for them.
- The roles and legal responsibilities of trustees and senior managers and any staff that have a designated responsibility for child protection matters.
- Key contact details must be provided for your local children's social care department, the police and emergency medical team. This information should be prominently displayed in every setting.
- All the information you have available about child protection and safeguarding should be regularly reviewed, updated and shared in trustee/management board meetings, supervision and team meetings.

A senior board level lead to take leadership responsibility for the organisation's safeguarding arrangements

It's a good idea to make sure there is a trustee or board member who has a special role for safeguarding. Ideally they will have a relevant background and experience in the field, but if this is not possible, then the board needs to think about how it can help them to acquire the knowledge and skills that are needed.

Being clear about a board level commitment is an important step that serves to support a sense of individual and overall responsibility for safeguarding within an organisation. It should be a top down/ bottom up approach so that it runs as a golden thread through every level. If staff and volunteers see that the organisation's commitment to keeping children and young people safe begins with the lead provided by someone at the most senior level, then it will do much to increase confidence that the organisation means what it says. The named person or designated lead for child protection within the staff group will also feel supported, as their role can otherwise be easily marginalised and undermined.

Another reason for having a board level lead for safeguarding is that such a role enables the board not only to support the management and staff team in the organisation, but also to provide an important mechanism for critically evaluating the information presented to it by the management team, and, where necessary, challenging and checking it out. There have been too many cases where boards have failed to recognise that unsafe or even abusive practices have been going on within their organisations, and have uncritically accepted information or versions of

events provided for them by managers – to the detriment of all concerned.

You need to be clear about specific safeguarding issues where the board level lead – and indeed the board as a whole – may need to become more involved. Typically, these could include:

- Allegations against staff or volunteers
- Safe recruitment of senior staff
- Disciplinary proceedings that follow on from safeguarding concerns about members of staff and volunteers
- Complaints
- Whistleblowing and examples of what this means
- Safeguarding audits, reviews and inspections – whether internal or external
- Risk management

More information on what you need to deal with these issues can be found in subsequent sections of this guide. In the meantime, it would be helpful to your organisation if you were able to identify where you could get legal advice or advice on human resources matters. Good places to start might be:

→ <https://knowhow.ncvo.org.uk/>

→ <http://nspcc.org.uk/vcs>

Make sure that you develop a person specification and a role description for the board level safeguarding lead. And remember that although the lead person on the board has a special role, they can only undertake it successfully if the board as a whole supports them and shares the burden. The whole board holds ultimate legal responsibility, not just the safeguarding lead. It is also important that trustees are able to project their responsibilities beyond child protection and provide leadership to their organisation to ensure that it has a culture that has the overall safety and well-being of children and young people at its heart.

QUICK CHECKLIST:

Leadership and Accountability

- Is your organisation's commitment to safeguarding stated consistently in all your key documents?
- Does everyone in your organisation (staff, volunteers, families, children and young people) know about where you stand on safeguarding and what to do if they have a concern about a child?
- Do you display names and contact details for children's social care, the police and emergency services in all settings where your activities take place?
- Do you review, audit and update your information about child protection and safeguarding regularly and share it in board meetings?

- Does your board have regular / standing items on safeguarding or any other 'habits' as a team, to make sure you all remember and discuss your safeguarding readiness?
- Do you have a senior board level lead for safeguarding?
- Does your board level lead have a person specification and job description?
- Would your board know what to do or where to get help if it needed to become involved in issues such as managing allegations against a member of staff or a volunteer; recruiting senior staff members; disciplinary, whistleblowing or complaints matters; an audit or inspection; or an accident involving a service user?
- Is your board able to critically challenge and evaluate the information presented to it by your management/staff team?



2. The organisation and its beneficiaries

This section continues to lay out some of the foundations of effective safeguarding. Many of them may already be present in your organisation. However, as well as putting new arrangements in place, a significant part of the challenge is in recording and evidencing what you already do well.

The key arrangements from the list in *Working Together 2018* that are covered in this section are:

- A culture of listening to children and taking account of their wishes and feelings, both in individual decisions and the development of services.
- Arrangements which set out clearly the processes for sharing information, with other professionals and with safeguarding partners (e.g. the Local Safeguarding Children Board (LSCB) or Local Safeguarding Partners).
- A designated practitioner for child safeguarding.

A culture of listening to children and taking account of their wishes and feelings, both in individual decisions and the development of services

As an organisation working with children and their families, you will want to place their views at the centre of your safeguarding arrangements. Involving service users in the development of your systems will contribute greatly towards a culture of honesty, safety and openness in your organisation, and will help to ensure that your policies, procedures and all your methods and materials meet their needs directly.

There are two aspects to this question of listening and taking account of the views of children, young people and their families. The first involves a participative approach to direct work that provides boundaries and containment to children but encourages and enables them to exercise choice and to express views and feelings about what is happening to them and what they would like to happen. The second is about ensuring that the views and input of children and families underpin the way in which services are designed and developed.

Working Together 2018 has some important messages on the issue of child-centred services. Children want adults in charge to notice and act on their understanding when things are troubling them; to be listened to and respected; to have things explained clearly to them and be offered advocacy and support in the things they are going through. Read para 13 for a clear statement on what Children have said that they need on an individual basis when they are caught up in the safeguarding or child protection process:

→ www.gov.uk/government/publications/working-together-to-safeguard-children--2

In terms of listening to and taking account of the views of children and their families in service design and development, this is a perfect opportunity to embed lessons learnt from what individual service users may have said. It can also be an opportunity to carry out further consultation with children and families.

Tips on listening and participation

- Make any consultation exercises interesting, fun and rewarding.
- Use plain language, which is jargon-free.
- Allow participants time to think through options in a non-judgmental environment.
- If required, put children in touch with a mentor who can represent their views.
- Recognise the importance of addressing the needs of **all** children and young people to be protected, including those whose views may often be ignored or not sought due, for example, to a disability or to the fact that they belong to a minority group.

Some examples of consultation opportunities for children, young people and families

- Developing job descriptions, person specifications and/or being involved in interviews.
- Helping to develop and review your procedures. For example, if a child knew about a friend being abused, and they told someone about it, what response would they expect?
- Seeking their views on what should be in a behaviour code; encouraging them to use it themselves and to say something if they feel that it is not being respected by others.
- Have child and family friendly leaflets, posters, magazines and social media about child protection around for them to browse, and asking them to help design leaflets and posters.
- Consider having a shadow children and young people's board, or find out where there might be existing groups of children and young people who you could ask.

Complaints from children, young people and families

Being open to the right of service users to make complaints is an important part of listening to them and taking account of their views.

Think about the ways that your organisation encourages and responds to complaints – and perhaps invite service users, and their parents, carers or other relatives to make positive comments too!

- Define what a 'complaint' is and make sure you distinguish it from an allegation of abuse made against a member of staff or volunteer.
- Develop a leaflet and explain to children, parents, staff and volunteers what they can do if they have a complaint and what will happen as a result.
- Develop a process for reassuring those who might make a complaint and keeping them informed of progress in dealing with their concern.

Have an identified timetable for dealing with complaints, and procedures for signposting complainants to other sources of help if they are not happy with the outcome. Keep records of any complaints dealt with and monitor information on the number and nature of any complaints to see if patterns are occurring.

Safeguarding and Child Protection Standards for the VCS, including a Safeguarding Checklist and linked web-based resources and templates, are available at:

→ <http://nspcc.org.uk/vcs>.

Arrangements which set out clearly the processes for sharing information, with other practitioners and with Safeguarding Partners.

Community groups can be the eyes and ears, particularly of 'hard to reach' children and therefore those particularly most in need... The support and protection of children cannot be achieved by a single agency. It is best achieved when the statutory agencies work in close association with community based groups...

Lord Laming, 2003, Victoria Climbié inquiry

Most major inquiries into child abuse tragedies such as the deaths of Victoria Climbié, Peter Connolly, Khyra Ishaq and Daniel Pelker conclude that the lack of effective communication between and across services and agencies aggravated already difficult circumstances. This is a very important consideration for organisations in the voluntary and community sector (VCS), who are often the one agency whose neutrality provides the environment for the disclosure of information. Equally, we have to recognise that the relationships of trust between VCS services and the families that use them, whilst of great value and importance to families, have the potential, if not carefully managed, to compromise information sharing outside the organisation in a way that can be unhelpful to children's safety.

Working Together 2018 places special emphasis on information sharing, both in order to put children and families in contact with services providing early help, and also in terms of describing the processes for dealing with situations where children may be in need or at risk of protection. It is quite uncompromising in its insistence that:

Para 26... Fears about sharing information must not be allowed to stand in the way of the need to promote the welfare, and protect the safety, of children, which must always be the paramount concern



Fears about information sharing may not be based solely on concerns about betraying the trust of the families with whom we work however. There are many instances of information being withheld because of fears that sharing information would be in breach of the Data Protection Act 2018, GDPR regulations or the Human Rights Act 1998. Here we should be assured that if we believe that a child could be at risk of abuse, we have a positive duty to share that information with a statutory service such as the police or children's social care. There is also an option of sharing it with the NSPCC helpline tel 0808 800 5000 – available Monday to Friday 8am – 10pm or 9am – 6pm at weekends.

Where our concern is less urgent – i.e. not that a child may be at risk of abuse, but that they or their family may benefit from help and support – there may still be a need to share information with other agencies, but this can and should be done with the prior knowledge and consent of the family (and, where appropriate, the child). The key here is to ensure that children and families are prepared at the outset for the possibility that information may need to be shared, and of their rights and choices in the matter together within the boundaries of confidentiality.

There is also the possibility that commissioners may want to insist on a certain level of information sharing – they may want to use information from the work undertaken by your organisation to provide evidence in care proceedings, for example; or they may need to exercise duties under Section 11 of the Children Act 2004 to ensure that services contracted to your organisation have adequate safeguards in place. Great care and attention needs to be given at the negotiation stage to all contractual requirements to share information so that you know what is expected, are happy with it, and can explain your obligations to others who may be affected (service users, staff and volunteers, for example).

This key *Working Together 2018* arrangement makes specific mention of the Local Safeguarding Children Board (LSCB) or other local arrangements of Safeguarding Partners (LSP) as a recipient of information. These Boards or Forums are also a vital source of information to help you understand your duties. The guidance confirms that central government is placing ever more importance on the role of the LSCB/LSP, and, put simply, your organisation cannot afford not to have some kind of link or knowledge of whatever the particular local multi-agency arrangements to protect children in the area(s) in which you operate.

LSCB/LSP's are multi-agency groups made up of leaders from councils, health, police, schools and the community, principally responsible for developing inter-agency policies and procedures for safeguarding and promoting the welfare of children in the geographical area you are practicing in. They also have to raise awareness about safeguarding; monitor and evaluate the effectiveness of the

safeguarding work and training that is going on; participate in the planning of services in their area; and undertake reviews of serious cases, including advising on the lessons to be learnt from these.

Serious case reviews should be commissioned by LSCB/LSPs in all situations where abuse or neglect is suspected and children have either died or been seriously harmed and there are concerns about how agencies have worked together to safeguard them. There is a requirement on the part of LSCBs to publish a report of any cases that have been the subject of a serious case review. These reports make disturbing reading but it may be useful for you as trustees to spend some time looking at a few of them.

We have seen that safeguarding and promoting the welfare of children depends on the effective co-ordination and joint working between agencies and professionals that have different roles and expertise. This means that your organisation needs to be outward-facing as well as attending to the needs of staff, volunteers and service users internally.

Tips on being outward-facing

- Staff working in your organisation need to establish contacts with key people in the child protection agencies in their area, including LSCB/LSPs.
- Children, young people and families need to know that you are an outward-facing organisation that liaises with other services and agencies.
- If you receive funding from a local authority or a private funder, make sure that you are clear about the ongoing information they require, the requirements for inter-agency working, and the level of qualification and skill required from staff or volunteers in terms of safeguarding. Ensure that you include the cost of providing these elements of the contract in your tender, and ensure that you explain to service users the nature of your relationship with your funder and any implications this may have for them.
- The local authority can also work with your organisation so that the pathways to the right levels of training are consistently applied, and that you have reliable access to good quality safeguarding professional development.

For more information on information sharing with local safeguarding partners, use the following links and resources:

→ learning.nspcc.org.uk/Search?term=LSCBs

Department for Education; *Information Sharing: Guidance for practitioners and managers, 2018*; available on

→ assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/721581/Information_sharing_advice_practitioners_safeguarding_services.pdf

A designated practitioner for safeguarding

This role, sometimes described as the *named person for child protection/safeguarding or designated safeguarding officer* (which is the term we shall use in this guide), is undertaken by someone within the staff/volunteer group rather than the trustees, although they will work closely with the senior board level lead described in **Section 1, Leadership and Accountability**. *Working Together 2018* states that their role should be to support other professionals in their agencies to recognise the needs of children, including protection from possible abuse or neglect.

The guidance also states that designated professional lead roles should always be *explicitly defined in job descriptions, and that they should be given sufficient time, funding, supervision and support to fulfil their child welfare and safeguarding responsibilities effectively*.

Note that if you have paid staff in your organisation, it is usually more appropriate for one of them to take on the designated safeguarding officer role, rather than expecting a volunteer to do it unless there are good reasons for this.

For an example of a job/role description for a designated safeguarding officer, use:

→ learning.nspcc.org.uk/media/1587/role-description-for-child-protection-lead.pdf

Safeguarding policies and procedures

Although this is not spelled out in *Working Together 2018*, a major part of the role of the designated safeguarding officer is to lead on the development and implementation of the organisation's child protection policy statement and related procedures, with the support of the board and other senior managers.

A child protection policy statement should be a clear **statement of intent** that demonstrates a commitment to keep children and young people safe from harm. The procedures that accompany it should include:

1. Clear written procedures for dealing with situations where a child is in need of early help services, or says that s/he is being abused or neglected, or is showing signs of suffering harm. These procedures should set out clearly the processes for sharing information with other professionals.
2. Clear written procedures for dealing with situations where allegations of abuse are made against an adult or a child/young person in your organisation. These procedures should set out clearly the processes for sharing information with other professionals.
3. Written procedures making it clear that your group/organisation will refer to the Disclosure and Barring Service (DBS) and Local Authority Designated Officer (LADO) or relevant team in local authority children's social care team when appropriate.



4. A written code of behaviour for everyone involved in your organisation: children, young people and adults.
5. A whistleblowing procedure for anyone who feels that ethical standards of behaviour have been broken.
6. An e-safety policy
7. A complaints policy and procedure

The safeguarding policy and related procedures should also cross-reference policies and procedures on safe recruitment, preventing and dealing with bullying, sexual resentment and harassment in the workplace, and accident prevention.

Trustee approval, ownership and review

Increasingly, funders will need reassurance that safeguarding is embedded throughout the whole organisation. Trustees can help evidence this by ensuring that websites, welcome packs and posters are used to raise awareness of the safeguarding policy and that the issues are explicitly covered during induction training.

The approval process for the policy needs to be clear and led by the trustees. You should encourage a collective organisational approach, perhaps via a special sub-group, and you may wish to call on external expertise, whilst retaining overall responsibility. Ensuring that the policy fits with any local requirements will also be essential.

The policy statement should be reviewed and updated, section by section, over a three year period. Any supporting procedures should be underpinned by clear, step-by-step guidance, which explains what to do in different circumstances and provides clarity on roles and responsibilities within the organisation.

As a matter of good practice Trustee boards should compile and regularly review a 'Risk Register' for the charity as a whole, which is also regularly reviewed and updated. This may address wide-ranging issues that a responsible board will be mindful of in the good running of their charity – such as financial stability, risks of cyber attack or reputational risk, and it may be important to include being a safe organisation for children and young people in the risk register, with clarity about how the charity's policies and practices mitigate the risk of any child or young person coming to harm, or being left without an appropriate response when they need one.

What does 'professional' mean in relation to the designated lead practitioner status?

The concept of a professional safeguarding lead is a careful and proportionate balance; are they drawn exclusively from a registered profession (doctors, nurses, social workers) or is the definition

of 'professional' a wider one relating to a business like approach or manner?

Your organisation will need you as trustees to consider what 'professional' should mean for your own service or activities. If you are providing a service where professionally qualified staff are needed, then the 'designated lead practitioner for safeguarding' will also need to be a professionally qualified person. If your work is of a different kind (for example, community based arts, youth clubs, faith based groups, sports or recreational activities) then a professionally qualified designated safeguarding officer is probably neither a feasible option or even necessary. In such a situation it would be appropriate to have someone without a particular professional background, provided that they can access training appropriate to their role and also relevant, qualified help and support when needed.

QUICK CHECKLIST:

The organisation and its beneficiaries

- Is there a culture in your organisation of listening to children, young people and families, and taking account of their wishes, both in individual situations and in the development of new services?
- Do you have a clear system for dealing with complaints? And compliments? Is everyone who needs to be, aware of it?
- What evidence do you have that your organisation learns from feedback it receives from service users?
- Do you have clear arrangements for sharing information with other agencies?
- Are you an outward-facing organisation?
- Do you know how to contact your Local Safeguarding Partners? Do you have a relationship with them?
- Do you have a designated safeguarding officer in your staff/volunteer group?
- Does your designated safeguarding officer have a role description, person specification and access to training and appropriate support?
- Does your organisation have in place the policies and procedures referred to in this section?

3. People and risk

This section focuses on what many trustees feel are some of the thorniest issues in safeguarding: recruiting safely, supervising and supporting staff, and dealing with allegations against staff and volunteers working with children. It provides pointers to guidance on the Disclosure and Barring Service's checking regime and some helpful tips on putting statutory guidance into practice.

The key *Working Together 2018* arrangements covered are:

- Safe recruitment practices for individuals whom the organisation will permit to work regularly with children, including policies on when to obtain a criminal record check.
- Appropriate supervision and support for staff, including undertaking safeguarding training, a mandatory induction, and regular reviews of their own practice. Within this requirement is the responsibility of organisations to ensure that staff are competent to carry out their role and that the environment in which they work enables them to raise concerns and feel supported in their safeguarding role.
- Clear policies, in line with those from the Local Safeguarding Children Board (LSCB) or Local Safeguarding Partners, for dealing with allegations against people who work with children. This includes a requirement for organisations to report such allegations to the Local Authority Designated Officer (LADO) and to make a referral to the Disclosure and Barring Service (DBS) if they remove someone from work with children (or if the person leaves) because of a concern that the person presents a risk.

Safe recruitment practices for individuals whom the organisation will permit to work regularly with children, including policies on when to obtain a criminal record check

Trustees' duty of care to their organisation includes a duty to make sure that the recruitment procedures within the organisation are robust and that they send out a clear message that you do all you can to provide a safe place for children, young people and their families. As well as being reassuring for your service users and funders, a message like this also potentially puts off people who might try to infiltrate your organisation in order to harm children.

As a trustee you may be leading on the recruitment process for new senior staff members yourself, and you therefore need to make sure that you (or the chair of the panel if it is not yourself) has undertaken appropriate 'safer recruitment' training. For other posts/roles, where trustees may not be involved, you need to ensure that the person leading on the

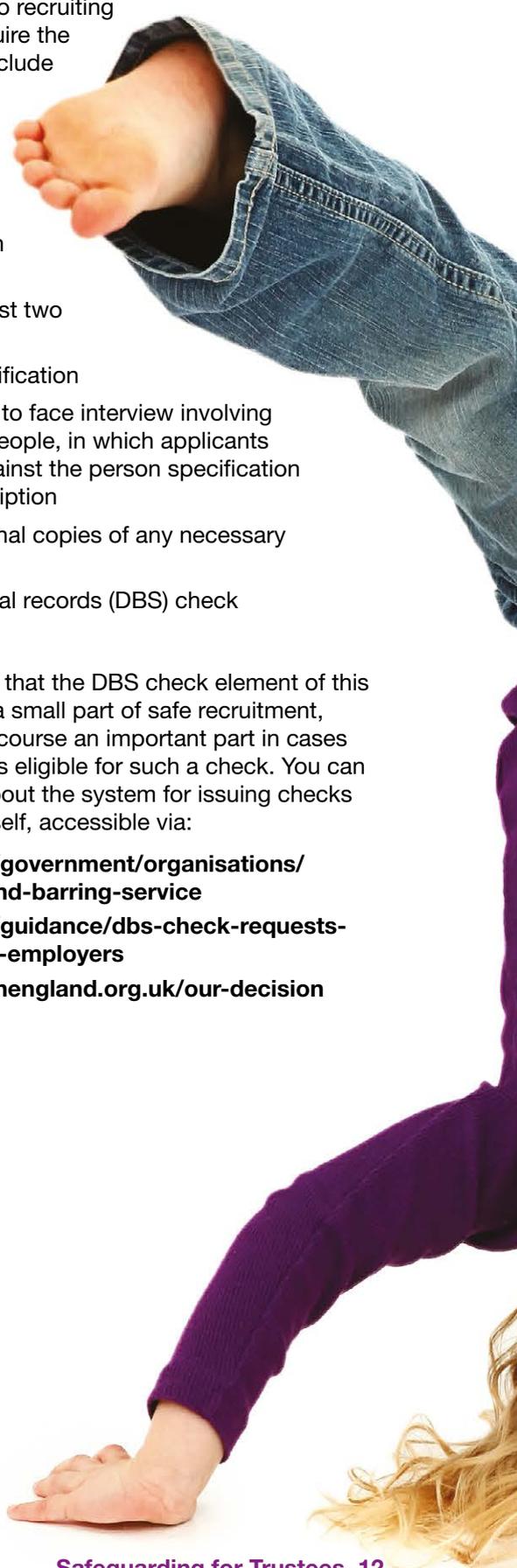
process has had similar training.

The NSPCC standard on *Recruitment, Induction and Supervision* sets out the practical steps to recruiting safely. They require the application to include requirements to:

- Complete an application form with reference to a clear person specification
- Provide at least two references
- Proof of identification
- Attend a face to face interview involving at least two people, in which applicants are tested against the person specification and job description
- Produce original copies of any necessary qualifications
- Have a criminal records (DBS) check where eligible

You will observe that the DBS check element of this process is only a small part of safe recruitment, although it is of course an important part in cases where the post is eligible for such a check. You can find out more about the system for issuing checks from the DBS itself, accessible via:

- www.gov.uk/government/organisations/disclosure-and-barring-service
- www.gov.uk/guidance/dbs-check-requests-guidance-for-employers
- www.childrenengland.org.uk/our-decision





Appropriate supervision and support for staff, including undertaking safeguarding training, a mandatory induction, and regular reviews of their own practice. Within this requirement is the responsibility of organisations to ensure that staff are competent to carry out their role and that the environment in which they work enables them to raise concerns and feel supported in their safeguarding role

Once appointed, new recruits should then, according to the NSPCC standard on Recruitment, Induction and Supervision:

- Complete an induction process
- Complete a trial working period
- Have regular supervision support and annual appraisal

Mandatory induction and a trial working period

Initial induction training needs to be a mandatory requirement for all new recruits, including trustees and volunteers. They need to be issued with a clear job/role description, and they need to be made aware of your organisation's policies, procedures and practice standards at a level that reflects the role that they are required to play in the organisation. They also need to have a basic understanding of the different types of abuse and neglect, and of some of the signs and symptoms of these. The easiest way of making sure that they have this information is by providing basic child protection training during their first six months, followed up by one to one discussion to make sure that they have understood and are comfortable with what they have covered on the training.

Inducting new recruits into your organisation is not something that can happen overnight, especially where safeguarding is concerned. Make sure that they all have an initial period of more intensive supervision and support so that they have every opportunity to absorb not only the information they need, but also the values, culture and expected behaviours of your organisation. Note down what has been covered in supervision and the training they have undergone. This early investment not only helps to equip your new recruit to do the best job they can, but also provides you with a firm basis against which to measure their competence and deal with any concerns you may have about their performance either during these initial months or in the longer term.

Trial periods are a useful way of introducing new staff and volunteers into the organisation. These periods commonly last for three to six months but can be extended for a further short period if there is a good reason for doing so.

Safeguarding training

Beyond the period of their initial induction, all relevant personnel should have access to further training and development activities covering:

- Recognising and responding to safeguarding and child protection concerns, child protection policies and procedures, and working with other agencies.
- Personal behaviour and professional boundaries.
- Health & safety arrangements, including risk assessment, first aid and fire safety.
- Equal opportunities, diversity, complaints, grievance and disciplinary processes.
- Safe recruitment and supervision (for those responsible for selecting and supporting staff and volunteers).
- Specialist training relevant to any specific services provided.

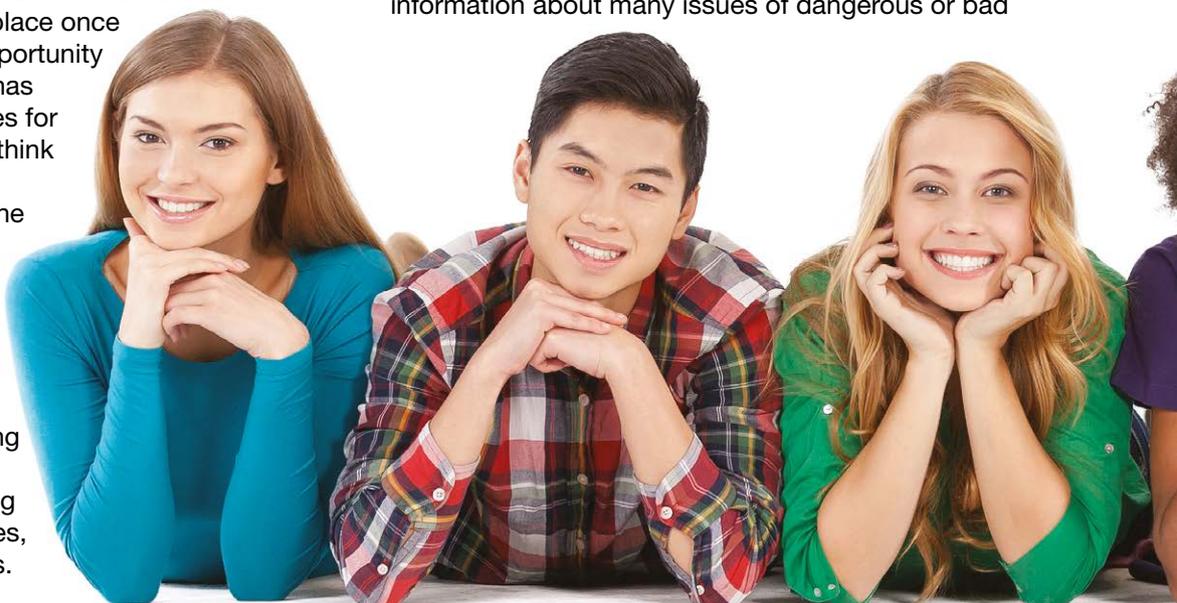
For those personnel in your organisation that routinely work on child protection issues or take the designated safeguarding officer role, a higher level of safeguarding training should be provided. You can undertake an analysis of the safeguarding training needs for your staff and volunteers and look for training options to meet these needs. Go to:

→ www.nspcc.org.uk/vcs

Regular reviews of individual practice

One to one **supervision** is a time for staff or volunteers and their manager to reflect on the staff member's/volunteer's workload, performance, development and any issues affecting their work. It should enable problems to be shared and dealt with at an early stage. Paid workers should have supervision at least once a month. For volunteers it may be more difficult to arrange formal supervision, although this is not an excuse for supervision not taking place at all.

Appraisal for individual staff members and volunteers should take place once a year. It provides an opportunity to review the work that has been done, set objectives for the coming period, and think about future career development. It allows the supervisor and worker to give further attention to persistent concerns. Appraisals should help to check that workers feel confident about operating within the boundaries of their role and about using the organisation's policies, procedures and systems.



The **job/role description** is an essential tool in supervision and appraisal, just as it is in the selection process and induction period. If staff and volunteers are not clear about what their job is, they cannot be expected to do it well.

Competence

Working Together 2018 stresses the need for staff and volunteers to be competent to exercise judgements and make decisions about children and families in a multi-agency context. Training and effective supervision does not guarantee competence, but staff are unlikely to become competent without it.

Staff who are not performing to a competent level need assistance to try to bring their performance up to the standard required. If they are still unable to make improvements after this has been attempted, the organisation needs to consider whether to change their duties to something that they find more manageable, or whether to take steps to terminate their contract. This is a serious move which could have legal implications and for which specialist human resources advice needs to be sought. A possible source of such support could be:

→ www.hrdept.co.uk/hr-services/advice-line.

An organisational environment in which it is safe to raise concerns: Whistleblowing

It is important that people within your organisation have the confidence to come forward to speak or act if they are unhappy with anything. This may relate to personal problems, worries about their work, or problems in their relationship with other staff members or volunteers. It may also relate to concerns that something dangerous, illegal or untoward is going on in the organisation – this is referred to as 'whistleblowing'.

Whistleblowing can involve anyone involved with your organisation seeking to share potentially vital information about many issues of dangerous or bad

practice within the organisation, ranging from health and safety risks, environmental factors, possible fraud, bullying or sexual harassment of staff, covering up for someone else's malpractice, and many more. There may be occasions or situations where the issues they want to raise have child safety implications. It is essential that these factors are addressed immediately, so staff should be encouraged to 'blow the whistle' as early as possible to prevent any real damage being done. They also need to be reassured that they will not be penalised or victimised in any way for raising concerns in good faith.

It is very important that if someone uses the whistleblowing procedure to report child protection concerns, the matter is pursued swiftly under child protection procedures. A failure to do this could result in a child being harmed.

Please see Protect's Whistleblowing and Safeguarding Guidance on the NCVO KnowHow website.

→ knowhow.ncvo.org.uk

Policies for dealing with allegations against people who work with children. This includes a requirement for organisations to report such allegations to the Local Authority Designated Officer (LADO) or relevant team in your Local Authority Children's Social Care and to make a referral to the Disclosure and Barring Service (DBS) if they remove someone from work with children (or if the person leaves) because of a concern that the person presents a risk.

Working Together 2018 offers further detail on the type of allegation that is being referred to here. It includes an allegation that someone has:

- *Behaved in a way that has harmed a child, or may have harmed a child;*

- *Possibly committed a criminal offence against or related to a child; or*
- *Behaved towards a child or children in a way that indicates they may pose a risk of harm to children.*

Dealing with allegations against staff or volunteers is a matter in which the trustee board is likely to *have* to become involved.

Allegations are a serious matter, and can arise more frequently than we may expect. They are always difficult for all concerned and are usually time-consuming. If poorly managed they can be traumatic, and for this reason, being able to deal with them effectively is a vital component of a safe organisation.

When you have developed your procedure, make sure that it is accessible to all personnel who may have a role in implementing it. It needs to be covered as part of their induction training and included in staff handbooks. In addition the information process should also be available to children, young people and parents.

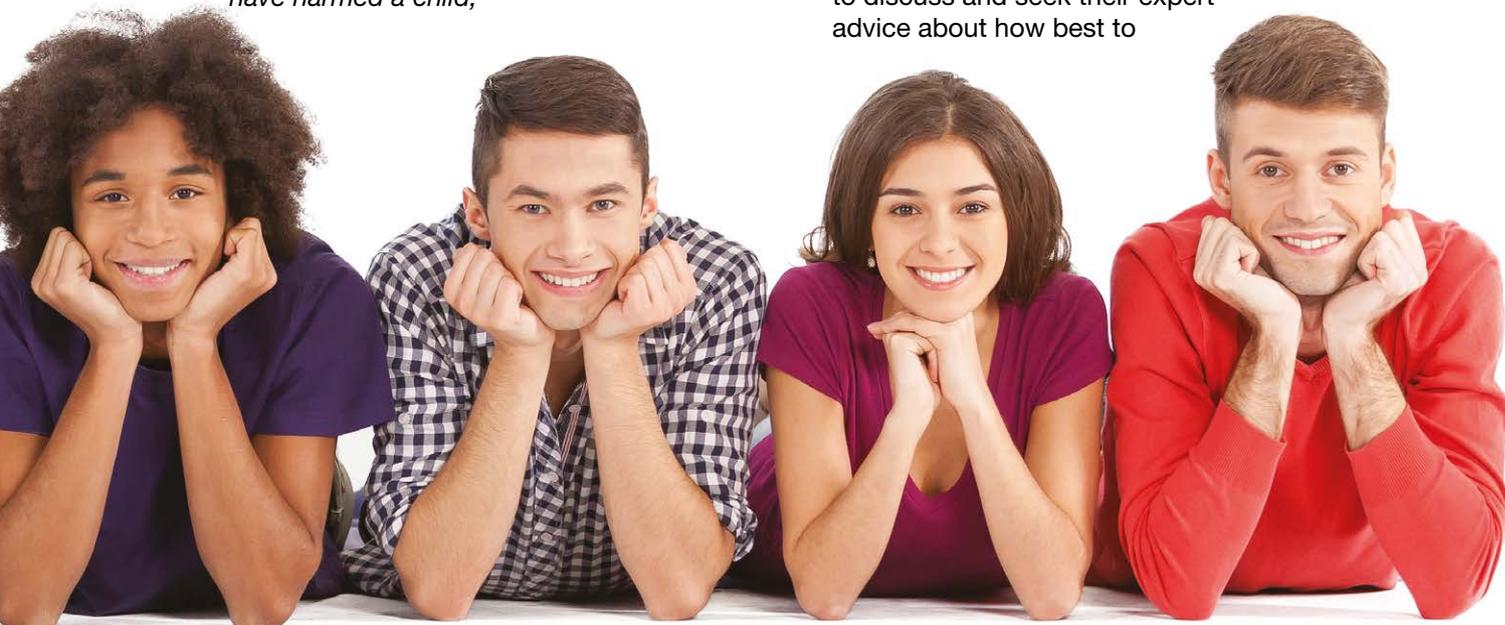
Managing Allegations – which bodies should we inform?

When any allegation or other situation with child safeguarding implications arises in your organisation, you must consider all three of the following reporting duties:

a) Reporting to the Local Authority Designated Officer (LADO) or relevant team in your Local Authority Children's Social Care

Any allegation or complaint that may involve possible harm to children must be referred to the local authority designated officer (LADO) or relevant team in your Local Authority, normally located within the LSCB, who will give support through the process.

In sharing information with the local authority lead for safeguarding there is also a valuable opportunity to discuss and seek their expert advice about how best to



proceed with handling the incident or allegation, and to ensure that it is handled in line with local multi-agency protocols.

b) The Duty to Refer

One of the DBS's main responsibilities is to make independent barring decisions on people referred to the DBS. The DBS must also statutorily bar people convicted or cautioned of a relevant offence. These are called autobars.

As part of this process, there is a legal duty to refer relevant information to the DBS when an employer permanently removes (or would have done so if the person had not left) an employee/volunteer from regulated activity because the person has:

- Harmed a child or vulnerable adult (this is called 'relevant conduct');
- Poses a risk of harm to a child or vulnerable adult (i.e. satisfied the 'harm test'); or
- Received a caution or conviction for a relevant offence.

If the person in question leaves before you have completed your managerial actions, you still have a 'duty to refer' what you do know, even if it feels incomplete.

The DBS then uses the information it receives from the referring organisation as evidence to consider through its fair, transparent and consistent decision-making process. Its aim is to consider risk, and balance this with whether it is proportionate and appropriate to bar the person from working or volunteering with children and/or adults.

You can find out more about your duty to refer to the DBS by following this link:

→ www.gov.uk/guidance/making-barring-referrals-to-the-dbs

c) Reporting to the Charity Commission

The Charity Commission requires charities to report serious incidents. If a serious incident takes place within your charity, it is important that there is prompt, full and frank disclosure to the Commission. You need to report what happened and, importantly, let the Commission know how you are dealing with it, even if you have also reported it to the police, donors or another regulator.

A serious incident is an adverse event, whether actual or alleged, which results in or risks significant:

- harm to your charity's beneficiaries, staff, volunteers or others who come into contact with your charity through its work (who are collectively referred to throughout this guidance as people who come into contact with your charity through its work)
- loss of your charity's money or assets
- damage to your charity's property
- harm to your charity's work or reputation

For the purposes of this guidance, "significant" means significant in the context of your charity, taking account of its staff, operations, finances and/or reputation

→ www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity

QUICK CHECKLIST:

People and Risk

- Are you satisfied that your recruitment processes are robust and have inbuilt safeguards?
- Have those on the staff team and trustee board who lead on recruitment undergone safer recruitment training?
- Have you read and understood the system for obtaining DBS checks, including the use of the update service?
- Do your new recruits have a mandatory induction and a trial working period?
- Do you know what safeguarding training is offered by your organisation to staff, volunteers and board members?
- Do your staff members and volunteers receive regular supervision and annual appraisals?
- How do you know that your staff and volunteers are competent?
- Do you have a whistleblowing policy and procedure?
- Are you clear about your organisation's responsibilities to report allegations made against staff and volunteers to the LADO?
- Are you clear about your organisation's duty to refer to the DBS?

The Charity Commission's *Strategy for Dealing with Safeguarding Issues in Charities* and in particular their guidance on trustees' responsibilities.

4. Finding help and making it work for your organisation

Throughout this guide we have signposted you to resources that might help you with some of the issues covered. In this section we will summarise some important sources of help for your organisation and will pick up on some areas of safeguarding business mentioned in the first section that we have not as yet explored in further detail.

The resources listed below are focused largely on those available from NSPCC, Children England. You can obtain the resources from:

→ [nspcc.org.uk/vcs](https://www.nspcc.org.uk/vcs)

and the Children England resources from:

→ www.childrenengland.org.uk

Our Decision (Children England)

This is a resource/guide to using Disclosure and Barring Service checks as part of managing safeguarding risk for the voluntary and community sector.

→ www.childrenengland.org.uk/our-decision

Introductory guide to safeguarding and child protection for the voluntary and community sector (NSPCC)

NSPCC's introductory guide to safeguarding and child protection for the voluntary sector.

It is written for leaders of voluntary, community and faith groups and organisations working with children and young people aged 0–18.

Safeguarding and Child Protection Standards for the Voluntary and Community Sector (NSPCC)

NSPCC's national safeguarding and child protection Standards is designed to help non-statutory organisations in the UK to strengthen their safeguarding and child protection arrangements for children and young people aged 0–18.

Dealing with disciplinary issues

You will need to be clear about how to respond if you feel that a member of staff has behaved inappropriately and that disciplinary procedures need to be invoked.

There are a number of possible sources of support to help you put procedures in place and also to help you deal with disciplinary issues (and related issues such as grievances) when they arise. Here are just a couple:

→ www.employeradvice.org.uk

→ tel: 0845 004 7949

This is a free advice helpline primarily aimed at small businesses:

→ www.acas.org.uk

→ tel: 08457 47 47 47

ACAS have a number of useful resources about disciplinary issues, including a code of practice that you may want to consider. They also provide free advice via their helpline.

Your LADO or local Council for Voluntary Services (CVS) might also be able to help.



Audits and inspections

Your organisation will need to prove it has systems in place to monitor and evaluate the effectiveness of its safeguarding policy and procedures.

It is essential that you review the effectiveness of your safeguarding approach on a regular basis. Policies and procedures should be checked for accuracy annually and formally reviewed at least every three years. They should also be revised, as required in line with new legislation, guidance or feedback from service users. In updating the approach, you should be careful to ensure that there is appropriate consultation with all relevant stakeholders, including children, young people and their families.

Given its importance, you should ensure that there are regular reports on your safeguarding approach at relevant trustee and management meetings. Grant-funded organisations may be required to provide evidence to commissioners that they are considering safeguarding issues on a regular basis, both strategically and operationally.

The self-assessment tool linked to the Safeguarding standards is an ideal way of reviewing your safeguarding arrangements.

→ nspcc.org.uk

→ learning.nspcc.org.uk/safeguarding-checklist/

Accident prevention and risk management

Safe service delivery is an important issue that covers many facets of an organisation's day to day working arrangements e.g. health & safety, insurance and first aid. Safe service delivery embraces a wide variety of potential risks and the management of these.

In recognising potential risks and deciding how best to respond to these, many organisations have adopted formal risk assessment procedures. These help you to be aware of anything that can cause harm, and thus to develop ways of managing the risks involved.

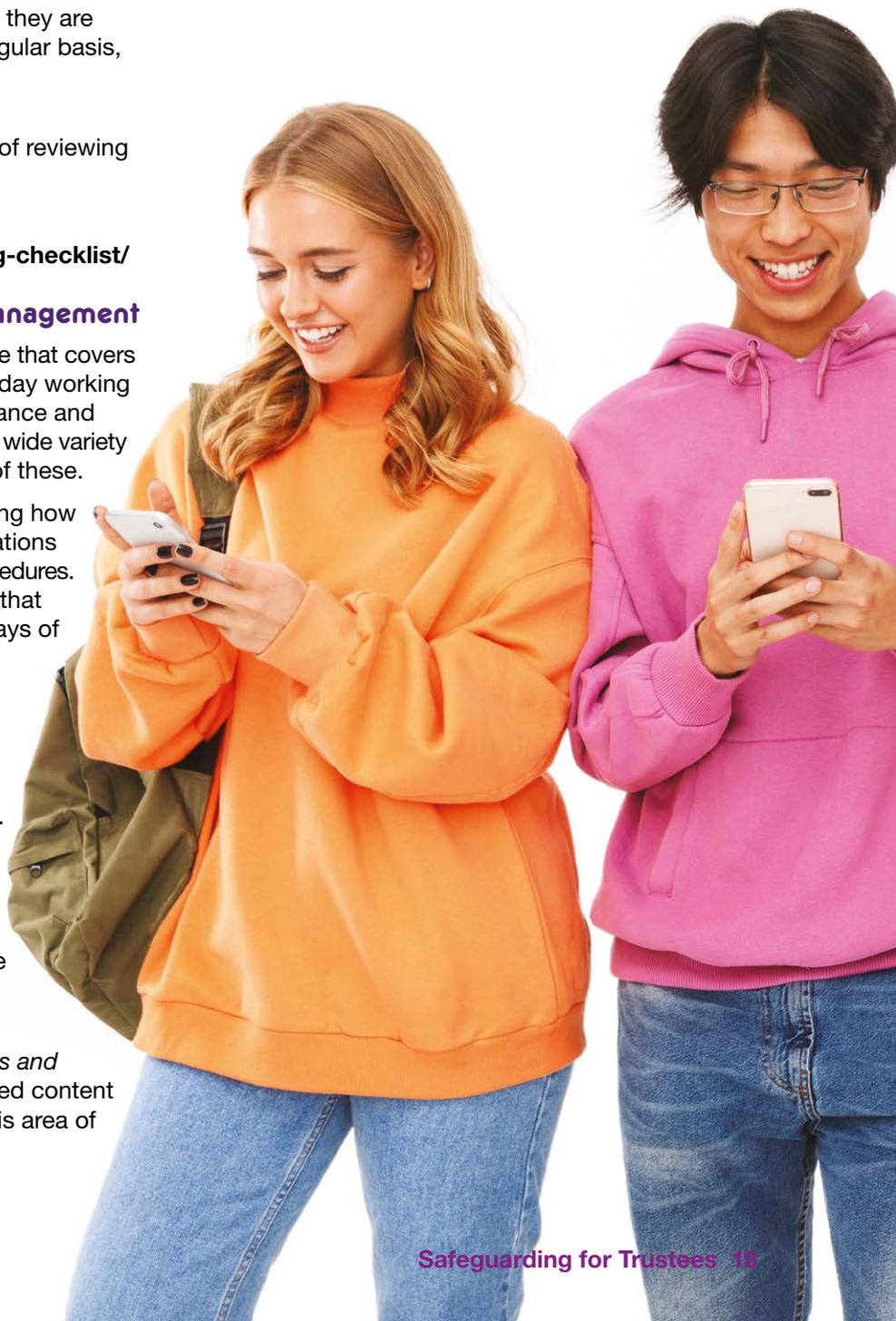
Risk assessment involves making judgements about the balance between risks and benefits and giving consideration to the potential for physical, social and psychological harm. A comprehensive risk assessment should be carried out at least once a year and reviewed on a regular basis, ideally by the board of trustees. Adequate records for this should also be maintained for internal and external inspection purposes.

The NSPCC's standard on *Safe Activities and Events*, with its accompanying web-based content of resources, will help you to develop this area of your work. See:

→ nspcc.org.uk/vcs

Many of the essential arrangements for safe service delivery should be contained in your safeguarding policy or supporting personnel/health & safety policies. Some of the key considerations here should include:

- A clear policy on lone working for those workers for whom home visits are an integral part of their work. It is essential that appropriate guidance and risk assessment procedures are in place, particularly for visits outside of office hours or in remote or secluded locations.
- Documenting procedures for 'one to one' contact between adults and children. It is unrealistic and even undesirable to expect that one to one situations will never take place and, where there is a requirement for an adult to be alone with a child or young person, clearly agreed procedures and explicit safeguards must be in place.



New technology and e-safety

Organisations increasingly have to consider how to make best use of the considerable opportunities afforded to young people by developments in new digital technologies, and to weigh these against the associated risks.

Managing these issues may involve developing clear policies and agreements for the use of information and communications technology and photographic equipment. This may include internet use, mobile telephones, texting, e-mails, videos, web-cams and cameras.

Safer Internet UK provides a range of solutions that help organisations manage their digital risk. Their Online Compass tool is particularly useful. See:

→ onlinecompass.org.uk/

If you don't want to register to use Online Compass, you can access the offline version with resources, e-safety policies and links:

→ swgfl.org.uk/staying-safe/online-safety-planner

For more information about e-safety issues, see:

→ learning.nspcc.org.uk/research-resources/templates/online-safety-policy-statement-and-agreement





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